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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/549,657

09/16/2005

Stephen Terry Lang

040857/297610

7670

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7590

01/28/2010

ALSTON & BIRD LLP

BANK OF AMERICA PLAZA

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EXAMINER

MATTHEWS, WILLIAM H

ART UNIT

PAPER NUMBER

3774

MAIL DATE

DELIVERY MODE

01/28/2010

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Examiner-Initiated Interview Summary	Application No. 10/549,657	Applicant(s) LANG, STEPHEN TERRY	
	Examiner William H. Matthews (Howie)	Art Unit 3774	

All Participants:

(1) William H. Matthews (Howie).

(2) Donald M. Hill, Jr.

Date of Interview: 14 January 2010

Type of Interview:
☒ Telephonic
☐ Video Conference
☐ Personal (Copy given to: ☐ Applicant ☐ Applicant's representative)

Exhibit Shown or Demonstrated: ☐ Yes ☒ No
 If Yes, provide a brief description: .

Status of Application: AMDT after non-final rejection

(3) _____

(4) _____

Time: 2PM

Part I.

Rejection(s) discussed:
Wagner under 102

Claims discussed:
1,3,17,19-23,27

Prior art documents discussed:
Wagner and 6517585/WO99/08621

Part II.

SUBSTANCE OF INTERVIEW DESCRIBING THE GENERAL NATURE OF WHAT WAS DISCUSSED:

Examiner explained that WO99/08621 (US6517585) was related to currently claimed subject matter, and Wagner was still applicable prior art. Examiner proposed amending claim 1 to include limitations of claim 3 and rotary piston or claim 5, amending claim 17 to include rotary piston and limitations of claims 19-21, amending claim 22 to include rotary piston and limitations of claim 23, and amending claim 27 to include rotary piston and limit the functional limitations to occur during flexion. The conversation did not immediately result in agreement or disagreement. On 1/22 Applicant's representative informed Examiner that Applicant was not amenable to the proposed amendments.

Part III.

☐ It is not necessary for applicant to provide a separate record of the substance of the interview, since the interview directly resulted in the allowance of the application. The examiner will provide a written summary of the substance of the interview in the Notice of Allowability.

☒ It is not necessary for applicant to provide a separate record of the substance of the interview, since the interview did not result in resolution of all issues. A brief summary by the examiner appears in Part II above.

/William H. Matthews/
 Primary Examiner, Art Unit 3774

(Applicant/Applicant's Representative Signature – if appropriate)